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GOVERNMENTAL EVALUATION COMMISSION REPORT
ON
PUBLIC LIBRARIAN CERTIFICATION COMMISSION

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SUMMARY

As directed by General Statutes, Chapter 143, Article 1.1, the Governmental Evaluation Commission has conducted its evaluation of the Public Librarian Certification Commission created by North Carolina General Statutes Chapter 143B, Article 2, Part 6, and of G.S. §125-9, entitled "Librarian Certification", and G.S. §125-10, entitled "Temporary Certificates for Public Librarians."

The Commission concludes that the existence of a separate statute creating the Public Librarian Certification Commission, and of statutes relating to certification of librarians, is an unnecessary complication of government.

General Statutes 143, Article 2, that created the Department of Cultural Resources states that it is the duty of the Department to "provide the necessary management, development of policy and establishment and enforcement of standards for the furtherance of resources, services and programs involving the arts, historical and cultural aspects of the lives of the citizens of North Carolina." Furthermore, the statute states that it is the duty of the Department of Cultural Resources to perform "all executive functions of the State in relationship to the development and preservation of libraries."

It is the purpose of the Public Librarian Certification Commission to establish minimal standards for certification. We conclude that a separate statute for this Commission is not necessary when there is a statutory mandate for the Department of Cultural Resources to establish and enforce standards relating to libraries.

The need for the continuance of the program now being carried out

by the Public Librarian Certification Commission can be determined by the Department of Cultural Resources, the agency with the duty to develop and preserve libraries. This Department can determine library needs on a continuing basis, including the standards used in evaluating public librarians under authority granted it in its enabling statute.

Therefore, the Governmental Evaluation Commission recommends that the General Statutes Chapter 143B, Article 2, Part 6 entitled *PUBLIC LIBRARIAN CERTIFICATION COMMISSION*, General Statutes §125-9 entitled *LIBRARIAN CERTIFICATION*, and General Statutes §125-10 entitled *TEMPORARY CERTIFICATES FOR PUBLIC LIBRARIANS*, not be continued.

Governmental Evaluation Commission
Report on Public Librarian Certification

RECOMMENDATION:

The Commission recommends that North Carolina General Statutes 143B, Article 2, Part 6, entitled *PUBLIC LIBRARIAN CERTIFICATION COMMISSION*, General Statutes 125-9, entitled *LIBRARIAN CERTIFICATION*, and General Statutes 125-10, entitled *TEMPORARY CERTIFICATES FOR PUBLIC LIBRARIANS*, not be continued.

CONCLUSIONS:

1. The Commission concludes that the Department of Cultural Resources has statutory authority to provide for the certification of librarians and that the statute creating the Public Librarian Certification Commission is an unnecessary duplication of government.
2. The Commission concludes that the Department of Cultural Resources has the authority to establish standards for certification, and in the event a continuing need exists for the review of standards, sufficient authority is granted the Department to provide such oversight.

Governmental Evaluation Commission
Report on Public Librarian Certification

FINDINGS:

- 1a. The Commission finds that North Carolina General Statutes 143, Article 2, creates the Department of Cultural Resources, and prescribes it to be the duty of the Department to *"provide the necessary management, development of policy, and establishment and enforcement of standards for the furtherance of resources, services, and programs involving the arts and the historical and cultural aspects of the lives of the citizens of North Carolina.*
- 1b. The Commission finds that North Carolina General Statutes 143B-51 makes it the duty of the Department of Cultural Resources to perform *"all executive functions of the state in relation to the development and preservation of libraries...."*
- 1c. The Commission finds that North Carolina General Statutes 143B, Article 2, Part 6, creates the Public Librarian Certification Commission and gives that Commission powers to adopt rules to be followed in the certification of public librarians.
- 2a. The Commission finds that the purpose of the Public Librarian Certification Commission is to guarantee qualified librarians and that the Commission achieves this objective by establishing minimum standards for certification.
- 2b. The Commission finds that the Public Librarian Certification Commission reviews credentials of applicants for license and provides for the continuing upgrading of standards.

INTRODUCTION TO GOVERNMENTAL EVALUATION COMMISSION

Chapter 143, Article 1.1, of the General Statutes terminates the regulation of various occupations. By repealing the laws establishing them, a number of boards and commissions that license or regulate occupations are scheduled to be terminated every two years. One-third of the total of these agencies will cease to exist on July 1, 1979, unless re-established by the General Assembly.

The statute requires that prior to termination each agency be reviewed by the Governmental Evaluation Commission. The Commission is charged with conducting a "performance evaluation of each program or function scheduled for termination."

Upon completion of the evaluation, the Commission will submit a report to the General Assembly, including a recommendation as to whether the program or function in question, and the responsible agency, "should be terminated, reconstituted, re-established, or continued with or without modification of the relevant statutes."

The statute states that the Commission's basic determination is "*of the need for continuance of an agency program or function*", and that it shall use 13 listed evaluation elements in making its determination. The Commission is not limited to the use of the 13 elements in determining the presence of a public need for the continuance of a program or agency.

The Commission was authorized to employ a staff to help it in its work. The staff will conduct an evaluation and report its findings to the Commission in a staff report. The agencies may be given the opportunity to appear before the Commission and respond to the staff report. After making any modifications it believes desirable, the Commission will adopt a Proposed Commission Report.

The statute requires that public hearings be held on the proposed report, after a notice of the substance of the report and other details of the hearing is published. Upon completion of the hearing and consideration of the submitted evidence and arguments with respect to this evaluation, the Commission shall adopt its final recommendations. These recommendations will then be submitted to the General Assembly for its deliberation.

SCOPE OF THE EVALUATION

The purposes of the evaluation process are stated in the statute creating the Governmental Evaluation Commission.

§143-34.10. Findings and purposes. - The General Assembly finds that state government actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules and regulations and that the whole process developed without sufficient legislative oversight, regulatory accountability, or a system of checks and balances. The General Assembly further finds that by establishing a system for the termination, continuation, and re-establishment of such agencies, it will be in better position to evaluate the need for the continued existence of existing and future regulatory bodies.

A recommendation on the "need for the continued existence of existing....regulatory bodies" is the end product of this evaluation process. An evaluation of "need" for the continued existence must focus on the public benefits resulting from the continued existence of a program or agency. The benefits to the persons the agency regulates are not reasons for continuing the agency.

In focusing on "need" the inevitable question that must be considered is: What is the harm to the public if there is no regulation of the occupation?

It can be argued that some possible harm is present in allowing unlicensed persons to serve the public in any occupation or capacity. There is always some risk that a member of the public will choose the wrong person in a selection process where there is no knowledge of competency or honesty. However, this selection process is a hallmark and strength of the free enterprise system.

On the other hand, regulation in any form, by any means, is

restrictive of certain individual liberties protected by Article 1.1 of the North Carolina Constitution, which provides that all persons are afforded rights of "life, liberty, and the enjoyment of the fruits of their own labor, and the pursuit of happiness." The state, through its police power, may enact legislation which invades these rights only if there is a real and substantial relationship between the legislation and the protection of the public health, safety, or welfare.

In the evaluation process, the underlying question asked by the legislature can be stated: Is this regulation a proper exercise of the state's police power? Is the public need for regulation sufficient to justify making available to the regulatory body the authority of the State of North Carolina to imprison, to fine, and to deprive the right of earning a living to a person who violates the regulatory statute? The regulatory statute makes available to the agency, for enforcement, the State Judiciary, the State Attorney General, the police, and the power to collect money for use of the agency.

The evaluation question to be answered could be stated another way: Does this regulatory statute protect the public from potential serious harm so that if there were no statute, serious harm would be done to the public's health, safety, or welfare?

The key words are "serious harm". If the answer to the evaluation question is "No", then there is no public need for the program or agency and the statute must not be continued.

If the answer is "Yes", then the Commission must look at all parts of the program and agency to determine if they are doing what the statute

calls for them to do in an efficient and effective manner.

The General Assembly is the final authority on the recommendations of the Commission. A Committee of Reference in each House of the General Assembly will hold a public hearing on the recommendations relating to each agency. In the hearing the agency has the burden of demonstrating a public need for the continued existence of the agency and its program or function.

HISTORICAL BACKGROUND:

Created by statute in 1973, the Public Librarian Certification Commission of the Department of Cultural Resources consists of five members: the Chairman of the North Carolina Association of Library Trustees, the Chairman of the Public Library Section of the North Carolina Library Association, an individual named by the Governor upon nomination of the North Carolina Library Association, the Dean of a state or regionally accredited graduate school of librarianship in North Carolina appointed by the Governor, and one member at large appointed by the Governor. The director of the Division of the State Library within the Department of Cultural Resources/State Librarian serves as ex officio secretary to the Commission.

The Commission's exclusive function is to adopt rules and regulations to be followed in the certification of public librarians, and under G. S. 125-9 the Secretary of Cultural Resources is directed to issue librarian certificates in accordance with these rules and regulations. Although the Commission is only in its sixth year of operation, North Carolina first began certifying librarians in 1936.* Since that time, a total of 1,102 certificates have been issued. Librarians certified after September 25, 1976 will be subject to re-certification at the expiration of their 6 year certificates. Re-certification will be dependent upon fulfillment of designated continuing education requirements.

* Certification of public librarians began in 1936 with the creation of the Library Certification Board.

EVALUATION ELEMENTS

The statute lists 13 evaluation elements to be used in making a determination of the need for continuance of an agency program or function. The statute specifically allows other evaluation elements to be used.

The performance evaluation of the Public Librarian Certification Commission using the 13 elements follows:

EVALUATION ELEMENT #1

*AN IDENTIFICATION OF THE OBJECTIVES INTENDED FOR THE
AGENCY PROGRAM AND THE PROBLEM OR NEED WHICH THE
PROGRAM WAS INTENDED TO ADDRESS.*

North Carolina General Statute 143B, Article 2, Part 6, which creates the Public Librarian Certification Commission of the Department of Cultural Resources, does not include a statement of the "*need*" for certification of public librarians.

EVALUATION ELEMENT #2

AN ASSESSMENT OF THE DEGREE TO WHICH THE ORIGINAL OBJECTIVES OF THE AGENCY PROGRAM HAVE BEEN ACHIEVED EXPRESSED IN TERMS OF PERFORMANCE, IMPACT, OR ACCOMPLISHMENTS OF THE PROGRAM AND OF THE PROBLEM OR NEED WHICH IT WAS INTENDED TO ADDRESS. SUCH ASSESSMENT SHALL EMPLOY PROCEDURES OR METHODS OF ANALYSIS WHICH THE COMMISSION DETERMINES TO BE APPROPRIATE TO THE TYPE OR CHARACTER OF THE PROGRAM.

There is no statement of objectives in the enabling statute for the Public Librarian Certification Commission.

Each agency under review by the Governmental Evaluation Commission was asked to supply a listing of objectives for the agency program as well as a statement of the means by which the agency protects the public health, safety, and welfare.

The stated objective for the Public Librarian Certification Commission is to *"guarantee qualified public librarians for our libraries."*

In the opinion of the State Librarian, who serves as the ex officio secretary for the Commission, recertification of professional librarians "protects the public welfare by guaranteeing qualified professionals."

It is apparent from the statement of objectives that the purpose of the statute is to provide a means of determining who is a competent public librarian. The Commission achieves this by establishing minimum standards for certification and reviewing credentials of applicants for license.

The statute not only assumes that significant public harm would be done if there was no certification, but illogically assumes that without this certification process the board of trustees for the local library system would have no other means of distinguishing the competent from the incompetent.

The idea behind the Certified Public Librarian statute is that those persons responsible for the hiring of librarians will be able to more readily identify good public librarians.

The Public Librarian Certification Commission has established minimum standards for certification. This aspect of the Commission's objective has been achieved.

EVALUATION ELEMENT #3

*A STATEMENT OF THE PERFORMANCE AND ACCOMPLISHMENTS OF
THE AGENCY PROGRAM IN THE LAST FISCAL YEAR AND OF THE
BUDGETARY COSTS INCURRED IN THE OPERATION OF THE PROGRAM.*

The Public Librarian Certification Commission serves to establish standards for certification, to review credentials, and grant certification to those who meet the standards established.

During the last fiscal year, the Commission reviewed one hundred and twenty-six (126) applicants for certification and certified ninety (90).

The Commission incurred expenses of approximately \$1,000 for fiscal year 77-78. The Commission does not operate under an independent budget; therefore, the costs of operation are borne by the Department of Cultural Resources.

EVALUATION ELEMENT #4

*A STATEMENT OF THE NUMBER AND TYPES OF PERSONS
SERVED BY THE AGENCY.*

In the opinion of the Public Librarian Certification Commission, the agency program serves the citizens at large of North Carolina in that properly prepared public library professionals serve the entire North Carolina community.

There are currently seventy (70) separate systems operating on the city, county and regional level throughout the State. The Commission estimates there are three-hundred and twenty-five (325) certified public librarians working in North Carolina.

EVALUATION ELEMENT #5

*A SUMMARY STATEMENT FOR THE LAST COMPLETED FISCAL YEAR
OF THE NUMBER, BY GRADE, AND COST OF PERSONNEL EMPLOYED
IN CARRYING OUT THE AGENCY PROGRAM AND A SUMMARY STATEMENT
OF THE COST OF PERSONNEL EMPLOYED UNDER CONTRACT IN CARRYING
OUT THE PROGRAM.*

There are no employees "under contract" in carrying out the program of the Public Librarian Certification Commission.

The State Librarian serves as an ex officio member and secretary of the Commission, and his secretary is responsible for any correspondence.

¹
By statute, all clerical and other services required by the Commission are to be supplied by the Secretary of the Department of Cultural Resources through the regular staff of the Department.

¹
G.S. §143B-69

EVALUATION ELEMENT #6

AN ASSESSMENT OF THE DEGREE TO WHICH THE OVERALL POLICIES OF THE AGENCY PROGRAM, AS EXPRESSED IN THE RULES, REGULATIONS, ORDERS, STANDARDS, CRITERIA, AND DECISIONS OF THE AGENCY MEET THE OBJECTIVES OF THE GENERAL ASSEMBLY IN ESTABLISHING THE PROGRAM.

As noted in Evaluation Element #1, the General Assembly did not state in the enabling statute the objective or need for certification of public librarians. It did, however, grant the Commission authority to adopt rules and regulations for the certification of librarians. The inherent legislative objective (setting standards for librarian certification) has been accomplished.

With the general rulemaking grant, the Commission has adopted regulations setting the standards for librarian certification. Since there have been only minor changes in library science and relatively few changes in the standards over the past four decades, the Commission's main function has been to check credentials for certification.

It can be noted that credential checking involves more than examining college transcripts. Since college courses vary in name, credit, and actual training from school to school, it is necessary for the Commissioners to determine on a case-by-case basis if an applicant's course work is acceptable under the standards.

Certification enhances job opportunities for a librarian within North Carolina and ensures that individuals seeking regional directors' jobs meet minimum library science educational requirements so as to continue

the flow of state funds. Since state funds are only allocated to library systems which have certified public librarians, and since certified public librarians salaries are supplemented by the state, it is conceivable that certified public librarians will find work more easily than non-certified public librarians. Otherwise no one is required to become a "certified public librarian." In effect, the Commission administers to only those individuals seeking the more lucrative public librarian jobs.

EVALUATION ELEMENT #7

*AN ASSESSMENT OF THE EFFECT OF THE AGENCY PROGRAM
ON THE STATE ECONOMY INCLUDING COSTS TO CONSUMERS
AND BUSINESSES.*

Although regulation has the tendency to increase the cost of goods and services to the public, this is not true in the case of public librarian certification.

Certified public librarians are not required to pay a license fee. They are employed by library systems and therefore have no cost to pass on to the public.

The cost of administering the program amounted to approximately \$1,000 during the last fiscal year. This cost is borne by the Department of Cultural Resources.

In summary, there is no appreciable cost to the public for the Public Librarian Certification Program.

EVALUATION ELEMENT #8

*AN EVALUATION OF THE REPORTING AND RECORD-KEEPING
REQUIREMENTS AND ACTIVITIES OF THE AGENCY PROGRAM
INCLUDING THE MANAGEMENT AND CONTROL OF INFORMATION
AND RECORDS AND THE VALUE OF THE INFORMATION GATHERED
COMPARED TO THE COST TO RESPONDENTS, AND AN ASSESSMENT
OF METHODS TO REDUCE AND SIMPLIFY THE REPORTING AND
RECORD-KEEPING REQUIREMENTS.*

The enabling statute for the Public Librarian Certification Commission includes no reporting or record-keeping requirements.

EVALUATION ELEMENT #9

*A SUMMARY STATEMENT OF THE BUDGET AND PROGRAM OF THE
AGENCY FOR THE CURRENT FISCAL YEAR AND BUDGET PROJECTIONS
FOR THE NEXT SUCCEEDING FISCAL YEAR IF THE PROGRAM WERE
TO BE CONTINUED.*

The Public Librarian Certification Commission does not operate under a separate and distinct budget of its own.

In accordance with the enabling statute, the costs of the certification program are borne in the regular budget subheads of the N.C. Division of State Library of the Department of Cultural Resources.

As previously noted, total operating costs for last fiscal year amounted to approximately \$1,000.

In light of the above, the Commission has no budget projections as such.

EVALUATION ELEMENT #10

AN ASSESSMENT OF WHETHER THE AGENCY HAS PERMITTED QUALIFIED APPLICANTS TO SERVE THE PUBLIC, AND WHETHER THE AGENCY HAS ENCOURAGED PARTICIPATION BY THE PUBLIC IN MAKING ITS RULES AND DECISIONS, AS OPPOSED TO PARTICIPATION SOLELY BY THE PERSONS IT REGULATES.

The extent to which any licensing agency permits qualified applicants to serve the public revolves primarily around entry restrictions imposed by the agency.

There are approximately three hundred and twenty-five (325) public librarians in North Carolina. During the last fiscal year the Commission certified ninety (90) of 126 applicants for certification.

Certification is primarily based upon completion of educational requirements. A graduate degree in Library or Information Science is required for certification. Applicants receiving a graduate degree in Library or Information Science from an American Library Association (ALA) accredited school, with at least one-half of all course work being directly applicable to public librarianship, or applicants receiving the graduate degree from a North Carolina accredited school of higher education with at least one-half of all course work being directly applicable to public librarianship, are granted full certification with an appropriate public librarian certificate.

The Commission has authority to grant certification to those applicants who have been certified by other states and meet North Carolina educational requirements.

The Commission is further authorized to administer an examination for certification to those applicants receiving their degrees from a non-accredited school.

Commission regulations state that certificates will be issued for a period not in excess of six (6) years and are renewable thereafter.

The Commission has instituted a recertification program for the purpose of enriching the competency of public librarians in the State and upgrading the general level of public library service. Under this program renewal of certification is dependent upon attainment of a minimum of at least three additional hours of academic credit in librarianship or a related subject, or at least nine officially recorded continuing education units prior to the expiration of the certificate.

It should be noted that no one is required to become a certified public librarian. However, by statute (G.S. §153A-267) the chief administrative officer of every public library system operating in North Carolina is required to be certified in accordance with the standards established by the Commission. The Commission is granted authority, however, to temporarily certify an unqualified applicant, i.e., one who does not meet the educational requirements when there is evidence that no qualified librarian is available for appointment as a chief librarian.

In summary, entry qualifications into the profession do not appear to be overly restrictive.

The Public Librarian Certification Commission consists of five (5) members. According to statute at least one of the Commissioners is to be a member at large appointed by the Governor. This provision allows for public participation in the agency program.

EVALUATION ELEMENT #11

*AN EVALUATION OF THE EXTENT TO WHICH OPERATION
HAS BEEN EFFICIENT AND RESPONSIVE TO PUBLIC NEEDS.*

This evaluation element presupposes that there is in fact a public need for the certification of public librarians.

Although there is little evidence to support it, if we assume that an incompetent public librarian can be a disaster, and that lay persons can not distinguish a competent librarian from an incompetent one, the Commission *is* responsive to the public needs to the extent that it provides a means of identifying competent librarians and assuring qualified professionals in our library systems.

This is not to suggest, however, that the enabling statute for the Public Librarian Certification Commission (N.C. G.S. 143B, Article 2, Part 6) provides the only means of assuring qualified professionals in our library system.

A review of the enabling statute for the North Carolina Department of Cultural Resources (N.C. G.S. 143B, Article 2) revealed that the Department has the duty to "provide the necessary management, development of policy and establishment and enforcement of standards for the futherance of resources, services, and programs, involving the arts and the historical and cultural aspects of the lives of the citizens of North Carolina."

The Department is also given authority to perform "all executive functions of the State in relation to the development and preservation of libraries."

Although the Public Librarian Certification Commission appears to respond to the needs of the public, to the extent that such a need exists, it appears from all available evidence that the function of the Commission is in fact a duty of the Department of Cultural Resources.

EVALUATION ELEMENT #12

*AN EVALUATION OF THE EXTENT TO WHICH COMPLAINTS
HAVE BEEN EXPEDITIOUSLY PROCESSED TO COMPLETION
IN THE PUBLIC INTEREST.*

The Public Librarian Certification Commission is a "licensing" agency exclusively.

The Commission does not handle complaints and has no enforcement authority. Regulations adopted by the Commission, which relate primarily to minimum standards for certification and recertification, are enforced by the Department of Cultural Resources.

EVALUATION ELEMENT #13

*AN ANALYSIS OF THE SERVICES AND PERFORMANCE ESTIMATED
TO BE ACHIEVED IF THE AGENCY OR AGENCY PROGRAM WERE
CONTINUED.*

It is estimated that the Commission will perform the same services as presently performed, i.e., licensing, if continued.

